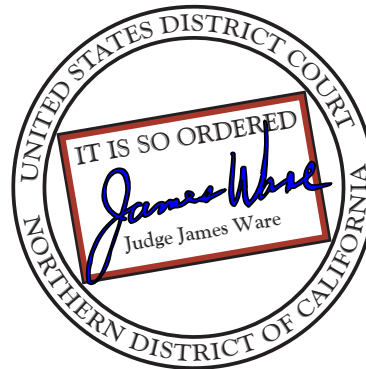


David S. Rand, No. 102410
LAW OFFICES OF DAVID S. RAND
655 Redwood Highway, Ste 250
Mill Valley, CA 94941
Telephone: 415/284-0700

Joseph L. Naegele, No. 105220
1530 The Alameda, Ste 205
San Jose, CA 95126
Telephone: 408/295-1545

Attorneys for Plaintiffs



UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

STEVE FUNDERBURG, ROBERT DALE
BOOTH, Guardian ad Litem for MARK
DEXTER BOOTH, a minor, and MARK
SAJJADI, M.D.,

Plaintiffs,

v.

UNITED STATES OF AMERICA,
Defendant.

No. C02-05461 JW

**REQUEST AND STIPULATION TO
CONTINUE HEARING ON PLAINTIFF'S
PETITION TO APPROVE MINOR'S
COMPROMISE**

Date: November 9, 2005
Time: 9:00 a.m.
Place: Courtroom 8
Hon. Judge Ware presiding

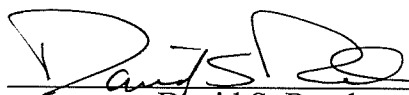
Plaintiff ROBERT DALE BOOTH, Guardian ad Litem for Mark Dexter Booth, a minor, hereby requests that the Court continue the hearing on Plaintiff's Petition to Approve Minor's Compromise from November 1, 2005 to November 9, 2005. Counsel for Plaintiff has previously communicated with the Court (per Ms. Michelle Takamoto) and been advised that the date of November 9, 2005, at 9:00 a.m., is available on the Court's calendar. The continuance is necessary to finalize the preparation of papers and, specifically, negotiations with lienholders interested in the settlement.

1 Counsel for Plaintiff has contacted all counsel and been advised that all counsel will
2 stipulate to this continuance. Copies of e-mail correspondence are attached hereto.

3 Dated: October 26, 2005

Respectfully submitted,

4 **LAW OFFICES OF DAVID S. RAND**

5
6 By 

David S. Rand

7 Attorneys for Plaintiffs Steve Funderburg,
8 Dale Booth (Guardian ad Litem for Mark
9 Dexter Booth, a minor) and Mark Sajjadi,
M.D.

David Rand

From: Ashley.Dempsey@usdoj.gov
Sent: Wednesday, October 26, 2005 12:09 PM
To: ksteinberg@baileypartners.com (Receipt Notification Requested) (IPM Return Requested); dhonigman@kennmark.com (Receipt Notification Requested) (IPM Return Requested); rclark@kennmark.com (Receipt Notification Requested) (IPM Return Requested); awarner@baileypartners.com (Receipt Notification Requested) (IPM Return Requested); randlaw@pacbell.net (Receipt Notification Requested) (IPM Return Requested)
Cc: Debra.Fowler@usdoj.gov (Receipt Notification Requested) (IPM Return Requested)
Subject: RE: Funderburg Matters - Settlement Agreement and Minor's Compromise Hearing

The US has no objection to moving the hearing date to Nov. 9.

From: randlaw@pacbell.net [mailto:randlaw@pacbell.net]
Sent: Wednesday, October 26, 2005 1:59 PM
To: Fowler, Debra (CIV); Dempsey, Ashley (CIV); ksteinberg@baileypartners.com; dhonigman@kennmark.com; rclark@kennmark.com; awarner@baileypartners.com
Subject: RE: Funderburg Matters - Settlement Agreement and Minor's Compromise Hearing

I have been having some difficulty getting the lienholders on Mark's bills to finally stipulate to a negotiated amount. Consequently, I have just gotten off the phone with Michelle Takamoto, Judge Ware's research attorney, and asked for a date a bit further out. She's offered me November 9 at 9:00 a.m.. I gather no one intends to show up, and that no one cares, but I should file something today indicating that I have obtained everyone's stipulation. Any objections anyone? Please respond asap.

-----Original Message-----

From: Keven Steinberg [mailto:ksteinberg@baileypartners.com]
Sent: Wednesday, October 26, 2005 8:35 AM
To: David Rand; Ashley.Dempsey@usdoj.gov; Debra.Fowler@usdoj.gov; Donald Honigman; Russell Clark; Al Warner
Subject: Funderburg Matters - Settlement Agreement and Minor's Compromise Hearing

With the hearing set for next Tuesday on the Minor's Compromise, where are we as to finalizing the settlement agreement and the preparation of the minor's compromise documents?

David Rand

From: Keven Steinberg [ksteinberg@baileypartners.com]
Sent: Wednesday, October 26, 2005 10:15 AM
To: David Rand; Ashley.Dempsey@usdoj.gov; Debra.Fowler@usdoj.gov; Donald Honigman; Russell Clark; Al Warner
Subject: RE: Funderburg Matters - Settlement Agreement and Minor's Compromise Hearing

No objection. Good luck.

From: David Rand [mailto:randlaw@pacbell.net]
Sent: Wednesday, October 26, 2005 10:59 AM
To: Keven Steinberg; Ashley.Dempsey@usdoj.gov; Debra.Fowler@usdoj.gov; 'Donald Honigman'; 'Russell Clark'; Al Warner
Subject: RE: Funderburg Matters - Settlement Agreement and Minor's Compromise Hearing

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10/26/2005

David Rand

From: Donald Honigman [dhonigman@kennmark.com]
Sent: Wednesday, October 26, 2005 10:14 AM
To: David Rand; Keven Steinberg; Ashley.Dempsey@usdoj.gov; Debra.Fowler@usdoj.gov; Russell Clark; Al Warner
Subject: RE: Funderburg Matters - Settlement Agreement and Minor's Compromise Hearing

No objections.

Donald S. Honigman, Esq.
KENNEY & MARKOWITZ L.L.P.
255 California Street
Suite 1300
San Francisco, CA 94111
Phone: 415-397-3100
Fax: 415-397-3170
E-mail: dhonigman@kennmark.com
Website: www.kennmark.com (updated quarterly)

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From: David Rand [mailto:randlaw@pacbell.net]
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Subject: RE: Funderburg Matters - Settlement Agreement and Minor's Compromise Hearing

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